

**REMARKS**

In the Non-Final Office Action of May 18, 2011, the Examiner indicated that the application contains claims directed to three patentably distinct Groups of Invention. Applicant respectfully disagrees with the characterization of the claimed invention and the restriction is hereby traversed.

As a formality to comply with 35 U.S.C. § 121, Applicant provisionally elects Group I corresponding to claims 1-12, 14-18, 20, 21, and 24-39 for examination on the merits.

Applicant respectfully submits that the Restriction Requirement is in error and that claims 1-12, 14-18, 20, 21, and 24-44 overlap in scope and do not have a materially different design, mode of operation, function, or effect under MPEP § 806.05(j). In the Office Action, the Examiner stated that the claims of the present application are directed to Group I pertaining to a position sensor, Group II pertaining to a concrete mixer, and Group III pertaining to a method of determining a position. (See 5/18/11 Office Action, p. 2). It is respectfully submitted that each of claims 1-12, 14-18, 20, 21, and 24-44 is directed to performing the position sensor of elected Group I. Specifically, the present application explicitly indicates that in order to construct the claimed concrete processing apparatus, the position sensor of claim 1 is necessary. In fact, claim 40 was previously amended to include the same language as claim 1 with regards to the position sensor. (See 6/22/07 Preliminary Amendment, p. 8).

With regards to claim 44, the recited method merely explains the functionality of the position sensor of claim 1.

In light of these recitations, it is clear that the use of a position sensor, according to claim 1, is clearly a required component of a concrete processing apparatus.

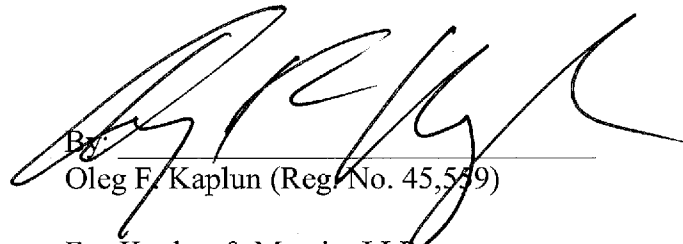
For the above reasons, it is respectfully submitted that each of claims 1-12, 14-18, 20, 21, and 24-44 is related to a unified general inventive concept and that the particular

restrictions made are improper. It is therefore respectfully requested that the restriction requirement be withdrawn and that claims 1-12, 14-18, 20, 21, and 24-44 be examined on the merits.

An earnest effort has been made to be fully responsive to the Office Action and advance the prosecution of this case. If there are questions, the Examiner is respectfully requested to call the undersigned attorney at the number listed below.

Respectfully submitted,

Dated: June 20, 2011

A large, stylized handwritten signature in black ink, appearing to read 'Oleg F. Kaplun', is written over a horizontal line.

Oleg F. Kaplun (Reg. No. 45,539)

Fay Kaplun & Marcin, LLP  
150 Broadway, Suite 702  
New York, New York 10038  
Tel.: (212) 619-6000  
Fax: (212) 619-0276